IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 22729 of 2003

Between:

K. Pitchaiah S/o. Balaiah
R/o. Hyderabad

..... PETITIONER

AND

1 The Joint Secretary, Ministry of Home Affairs,

Freedom Fighters Division, Jaisalmer House,
Manasing Road, Government of India,
New Delhi-110011
2 The Secretary, Revenue, Freedom Fighters Division
Government of A.P., Hyderabad
3 The District Collector, Guntur District, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction on the part of the respondents in sanctioning the Freedom Fighters' Pension under the Swathantra Sainik Samman Pension, 1980, introduced by the Government of India for the benefit of Freedom Fighters, as highly arbitrary, unjust and opposed to the principles of natural justice and consequently direct the respondents to issue necessary orders for sanction of pension to the petitioner under Swathantra Sainik Samman Pension Scheme, 1980 from the date of his application forthwith.

Counsel for the Petitioner:MR.P.RAJASEKHAR

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent Nos.2 and 3:GP FOR REVENUE

The Court made the following :

ORDER:

The petitioner seeks a Writ of Mandamus declaring the inaction on the part of the respondents in sanctioning Freedom Fighters Pension under Swatantra Sainik Samman Pension Scheme, 1980 (for short, the pension scheme) as arbitrary and illegal and for a consequential direction to respondents to sanction pension under the said scheme.

It is the case of the petitioner that he participated in the freedom struggle during Quit India Movement, in 1942. He claims that he has undergone imprisonment on several occasions and also went underground during the said period to avoid arrest in Crime No.12 of 1942 of Police Station, Tenali, where he was allegedly accused No.16. Be that as it is, after introduction of the pension scheme, petitioner applied to first respondent on 12.3.1982 for grant of pension enclosing various documents. The petitioner alleges that Government of India by letter dt.7.9.1992 requested the third respondent to furnish a report. Thereafter, the Sub-Collector, Tenali, conducted enquiry on 20.10.2002 and obtained statement of the petitioner. In spite of the same, the case of the petitioner was not considered and therefore, present Writ Petition is filed.

This Court by order dt.21.4.2004 directed the District Collector to forward the enquiry report and place the same before the Court. Such report has been placed before this Court and an affidavit is also filed enclosing copy of the report. Though the Collector in his report states that the petitioner is not entitled for the pension for various reasons, ultimately, it is the first respondent who has to consider the claim of the petitioner. Therefore, the Secretary to Government of Andhra Pradesh, in Revenue (FF) Department may forward the report sent by the District Collector to first respondent within a period of three weeks from the date of receipt of a copy of this order. As and when the same is sent, the first respondent may pass appropriate orders in accordance with the Swatantra Sainik Samman Scheme duly considering the eligibility of petitioner for such pension within a period of eight weeks. In this Writ Petition, at this stage, no relief can be granted. It is made clear that first respondent

shall consider the case of the petitioner without in any manner being influenced by any observations made hereinabove.

The Writ Petition, with the above observations and directions, is disposed of. No costs.

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(V.V.S.RAO, J)

2.8.2004

bnr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Secretary, Ministry of Home Affairs,

Freedom Fighters Division, Jaisalmer House,
Manasing Road, Government of India,
New Delhi-110011

2 The Secretary, Revenue, Freedom Fighters Division
Government of A.P., Hyderabad

3 The District Collector, Guntur District, Guntur.

4 2CCs to Mr.A.Rajasekhar Reddy, SC for Central Government

High Court Bldgs., Hyderabad (OUT)

5 2CCs to GP for Revenue, High Court Bldgs., Hyderabad (OUT)

6 2CD copies.